

MINUTES OF THE
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
STANDING COMMITTEE
Friday, February 22, 2008
Utah State Capitol, Room C415

Members Present: Sen. Darin Peterson, Chair
Sen. Allen Christensen
Sen. Gene Davis
Sen. Margaret Dayton
Sen. Fred Fife
Sen. Dennis Stowell
Sen. Michael Waddoups

Staff Present: J Brian Allred, Policy Analyst
Saundra Maeser, Secretary

Public Speakers Present: Sherrie Hayashi, Commissioner, Utah Labor Commission
David Litvin, President, Utah Mining Association
Robert Gray, Mayor, City of South Salt Lake
Steve Barth, City of South Salt Lake
Dave Carlson, Attorney, City of South Salt Lake
Lincoln Shurtz, Utah League of Cities and Towns
Fred Finlinson, Chairman, Land Use Advisory Board
Jerry Olds, State Engineer, Division of Water Rights

A list of visitors is filed with the committee minutes.

Committee Chair Peterson called the meeting to order at 8:06 a.m.

1. Approval of Minutes

MOTION: Sen. Fife moved to approve the minutes of February 20, 2008. The motion passed unanimously with Sen. Dayton and Sen. Stowell absent for the vote.

2. S.B. 224 Coal Mine Safety Act (Sen. M. Dmitrich)

Sen. Mike Dmitrich introduced the bill. Sherrie Hayashi, Utah Labor Commission, assisted in the presentation.

MOTION: Sen. Fife moved to replace S.B. 224 with 1st Sub. S.B. 224, Coal Mine Safety Act. The motion passed unanimously with Sen. Dayton and Sen. Stowell absent for the vote.

MOTION: Sen. Fife moved to adopt the following amendment:

1. Page 10, Lines 274 through 276:

274 (1) The commissioner shall:

275 (a) direct the state's efforts to promote coal mine safety; and

276 (b) ~~[[investigate or]]~~ participate with the Mine Safety and Health
Administration in an investigation of a major coal mine accident in Utah.

The motion passed unanimously with Sen. Dayton and Sen. Stowell absent for the vote.

David Litvin, President, Utah Mining Association spoke in support of the bill.

MOTION: Sen. Dayton moved to pass 1st Sub. S.B. 224, Coal Mine Safety Act, out favorably as amended. The motion passed unanimously.

3. S.B. 90 Payment in Lieu of Property Taxes Act (Sen. G. Davis)

Sen. Gene Davis introduced the bill.

MOTION: Sen. Davis moved to adopt the following amendment:

1. *Page 7, Lines 189 through 201:*

189 (1) The Division of Finance shall calculate whether or not there is eligible surplus by
190 no later than ~~[[August]]~~ September 15 of each fiscal year.

191 (2) There is eligible surplus in a fiscal year if for the immediately preceding fiscal
year

192 there is an unrestricted, undesignated balance in the General Fund ~~[[after:~~

193 ~~—(a) the transfers:~~

194 ~~—(i) to the General Fund Budget Reserve Account as provided in Section~~
~~63-38-2.5; and~~

195 ~~—(ii) as provided in Section 63-38-2.7; and~~

196 ~~—(b) the earmark to the Industrial Assistance Fund provided for in Subsection~~
197 ~~63-38f-904(5).]]~~ ;

198 (3) If in a fiscal year there is eligible surplus, the Division of Finance shall notify the
199 commission by no later than ~~[[September]]~~ October 1:

200 (a) that there is eligible surplus; and

201 (b) of the amount of eligible surplus.

2. *Page 7, Lines 204 through 207:*

204 (1) Subject to an appropriation by the legislature of the eligible surplus and
to the other provisions in this section, if the Division of Finance notifies the
205 commission that there is eligible surplus, the commission shall pay an eligible
municipality the

206 total of the payments in lieu of property taxes that the eligible municipality applied for
under
207 Section 59-3a-202 by no later than October 1 of that fiscal year.

3. *Page 8, Lines 214 through 218:*

214 (c) determine if there is sufficient eligible surplus **appropriated by the**
Legislature to pay the amount described in
215 Subsection (2)(b).
216 (3) If there is insufficient eligible surplus **appropriated by the Legislature** to
pay the amount described in Subsection
217 (2)(b), the commission shall:
218 (a) reduce the amount each eligible municipality is due under Subsection (2)(a) by
the

The motion passed unanimously.

Robert Gray, Mayor, City of South Salt Lake; Steve Barth, City of South Salt Lake; and Dave Carlson, Attorney, City of South Salt Lake, assisted in the presentation.

Lincoln Shurtz, Utah League of Cities and Towns, spoke in support of the bill.

MOTION: Sen. Fife moved to pass S.B. 90, Payment in Lieu of Property Taxes Act, out favorably as amended. The motion passed with Sen. Peterson voting in opposition.

4. **S.B. 269 Water Rights - Ombudsman (Sen. D. Stowell)**

Sen. Dennis Stowell introduced the bill.

MOTION: Sen. Stowell moved to replace S.B. 260 with 1st Sub. S.B. 269, Water Rights - Ombudsman. The motion passed unanimously.

Fred Finlinson, Chairman, Land Use Advisory Board; and Jerry Olds, State Engineer, Division of Water Rights spoke in opposition to the language in 1st Sub. S.B. 269.

MOTION: Sen. Dayton moved to replace 1st Sub. S.B. 269 with 2nd Sub. S.B. 269, Water Rights - Ombudsman. The motion passed unanimously.

MOTION: Sen. Dayton moved to pass 2nd Sub. S.B. 269, Water Rights - Ombudsman, out favorably. The motion passed unanimously.

5. **H.B. 229 Protections for Agricultural Practices (Rep. M. Morley) (Sen. D. Peterson)**

Rep. Michael Morley introduced the bill.

MOTION: Sen. Davis moved to replace H.B. 229 with 1st Sub. H.B. 229, Protections for Agricultural Practices. The motion passed unanimously.

MOTION: Sen. Dayton moved to pass 1st Sub. H.B. 229 out favorably. The motion passed unanimously.

MOTION: Sen. Dayton moved to place 1st Sub. H.B. 229 on the Consent Calendar. The motion failed with Sen. Davis voting in opposition.

6. H.C.R. 5 Concurrent Resolution Urging Congressional Approval of R.s. 2477 Rights-of-way Recognition Act (Rep. M. Brown) (Sen. M. Dmitrich)

MOTION: Sen. Dayton moved to pass H.C.R. 5, Concurrent Resolution Urging Congressional Approval of R.s. 2477 Rights-of-way Recognition Act, out favorably. The motion passed unanimously.

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously.

Chair Peterson adjourned the meeting at 9:03 a.m.

Minutes reported by Sandra Maeser, Secretary

Darin G. Peterson, Committee Chair